HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20667 of 2006

Dated:22.11.2006

Between:

Mammaneni Venkataramudu.

…Petitioner

and

The Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20667 of 2006

ORDER:

The petitioner is a resident of Puttaparthy. He allegedly purchased the land admeasuring Acs.2.25 cents in Survey No.290 in the said Village under registered sale deed dated 25.04.1960. It is further alleged that adjacent to the land purchased, there was a big well in an extent of Ac.0.15 cents in the same survey number and from the date of purchase, the petitioner's father and thereafter the petitioner and his brother till 1983 were in possession of the same. In the partition in 1983, Ac.0.15 cents in Survey No.290/2 fell to the share of the petitioner. In the course of time the well became defunct and the land was sold as house sites by the petitioner and his brother. The petitioner further alleges that the second respondent started digging the land and on enquires the petitioner came to know that the first respondent issued proceedings dated 16.05.2006 according administrative sanction for construction of quarters for Mandal Revenue Officers and also Grama Chavadi at an estimated cost of Rs.15.75 lakhs with 60% cash component and 40% tied up matching grant under SGRY. Assailing the same, the present Writ Petition is filed.

This matter initially came up on 16.10.2006. The same was adjourned at the request of the learned Assistant Government Pleader for Revenue (General-A) to seek instructions in the matter and file counter

affidavit. A detailed counter affidavit is filed before this Court on 14.11.2006 duly serving a copy thereof on the learned Counsel for the petitioner.

In the counter affidavit it is stated as follows. The land in Survey No.290/1 admeasuring Acs.2.25 cents is a patta land and the land admeasuring Ac.0.15 cents in Survey No.290/2 is a Government land. Though it is classified in the revenue records as Koneru Bavi, there are no traces on it and the same is treated as a Government wet land. The land is under the possession of the Government and it is not encroached upon by anybody except to an extent of Ac.0.0¼ cent by one Rajyalaxmi for construction of steps to House No.3/703. In 1992 the then District Collector proposed to construct a Revenue Guest House and laid a foundation, but the same could not be completed. Therefore, they proposed to construct the quarters for Mandal Revenue Officers and save the Government land from encroachments and accordingly the District Collector accorded sanction. The allegation of the petitioner that he is in possession of the land is denied, and a categorical averment is made that the petitioner is not in possession of the land and the land is being used for construction of Mandal Revenue Officers quarters.

The petitioner has not filed any reply affidavit denying the counter averments. Along with the counter affidavit, necessary material is placed before this Court, which would belie the petitioner's contention that he is the owner of the land. The land has been registered as Government land. An allegation is made that after the death of Penukonda M.L.A, Paritala Ravindra, the Mandal Revenue Officer's Office and all records preserved in the Record Room were burnt to ashes on 24.01.2005 and the documents produced by the petitioner are fake and forged. The same is not denied by the petitioner.

In view of the uncontroverted averments made in the counter affidavit, this Court holds that the Writ Petition is devoid of any merit, and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

22.11.2006
vs